

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DENNIS BURCH,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-03311

BENITA MURPHY, et al.,

Defendants.

ORDER

Pending before the Court is Defendants' Motion to Dismiss or, in the alternative, Motion to Strike Class Action Allegations. (ECF No. 24.) By Standing Order filed in this case on June 19, 2017, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 6.) Magistrate Judge Tinsley entered his PF&R on February 25, 2019, recommending that the Court grant Defendants' Motion to Dismiss or, alternatively, grant Defendants' Motion to Strike Class Action Allegations. (ECF No. 44.)

"The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); see also *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th

Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the Magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on March 14, 2019. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 44), **GRANTS** Defendants’ Motion to Dismiss, (ECF No. 24), and **DISMISSES** this action. The Court further **DIRECTS** the Clerk to remove this action from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 15, 2019



THOMAS E. JOHNSTON, CHIEF JUDGE